

**CHIROPRACTIC EXAMINING BOARD  
MADISON, WI  
MINUTES  
July 8, 2004**

**PRESENT:** Steven Conway, Susan Feith, Wendy Henrichs, James Rosemeyer, James Weber

**EXCUSED:** Char Glocke

**STAFF PRESENT:** Kimberly Nania; Jacquelynn Rothstein; Legal Counsel, Gina York, Bureau Assistant, and Division of Enforcement and other staff

**GUESTS:** Nicole Boryczka, WPTA; Wendy Kammerud, WCA

**CALL TO ORDER**

James Rosemeyer, Chair, called the meeting to order at 8:04 a.m. A quorum of 5 members was present.

**AGENDA**

**Additions to the Agenda:**

- Open Session: After Presentation of Proposed Stipulation Signed After the Mailing of the Agenda- Add Christian Zebrasky
- Closed Session: After Deliberation of Proposed Stipulation Signed After the Mailing of the Agenda- Add Christian Zebrasky
- Under Informational Items – Add Florida Information

**MOTION:** Steven Conway moved, seconded by James Weber, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF MAY 13, 2004**

**Amendments to the Minutes:**

- Page 10: Delete Richard Golde and replace with Richard Horaitis

**MOTION:** Susan Feith moved, seconded by James Weber, to approve the May 13, 2004 minutes as amended. Motion carried unanimously.



## **APPROVAL OF MINUTES OF JUNE 15, 2004 TELECONFERENCE**

### **Amendments to the Minutes:**

- Page 2: Delete the “ed” from end of the word “second” in first motion.

**MOTION:** Wendy Henrichs moved, seconded by Susan Feith, to approve the July 15, 2004 teleconference minutes as amended. Motion carried unanimously.

## **PRESENTATION OF PROPOSED STIPULATIONS**

There was one stipulation to be presented before the Board, Christian Zebrasky, DC. This case will be deliberated on in closed session at today’s meeting.

## **ADMINISTRATIVE REPORT**

Kimberly Nania, Bureau Director of Health Service Professions, shared with the Board some changes in Department personnel. Sandra Rowe is the new Deputy Secretary, Eric Callisto is the new Division Administrator for DOE, Patty Hoeft, Division Administrator for Board Services has left the Department and John Schweitzer, Legal Counsel has taken another position in DOE. The Department is still working on the building renovations and has a target date for completion near the end of the year.

## **REVIEW OF BOARD ROSTER**

A copy of a Board roster was routed to all Board members at today’s meeting to make any changes needed and it was returned to Gina York for forwarding back to Roxanne Peterson who will make the necessary changes as indicated.

## **REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Jacquelynn Rothstein, Legal Counsel, reviewed the report regarding any other pending court cases, disciplinary cases, administrative rules and press releases with the Board at today’s meeting. Attorney Rothstein informed the Board that the lawsuit with WCA against the State of Wisconsin, Chiropractic Examining Board has been settled.

## **COPY OF CLEARINGHOUSE RULE CR 03-082 ADOPTED ON JUNE 15, 2004**

The Board adopted the Clearinghouse Rule CR 03-082 on June 15, 2004 by teleconference and received a final copy of the rule at today’s meeting.



## **STATUS OF RULES PERTAINING TO QUALIFICATIONS FOR INSTRUCTORS**

Jacquelynn Rothstein, Legal Counsel, and Susan Feith are working on this issue. No additional information was sent to Attorney Rothstein from any of the Board members and asked that if you have any input to be considered for this issue to please get them to her before the next meeting. The Board as asked that a draft be done for review of the full Board by the September 9, 2004 meeting.

### **JURISPRUDENCE EXAM UPDATE**

The Board discussed this topic at today's meeting and took the following action.

**MOTION:** Susan Feith moved, seconded by Wendy Henrichs, to designate Steven Conway as the Board liaison for the Jurisprudence exam update. Motion carried unanimously.

### **APPEARANCE REGARDING APPLICATION REVIEW FOR RANDALL W. NODORFT**

An appearance was held regarding Randall W. Nodorft regarding his application. This will be deliberated on in closed session later in today's meeting.

### **PRECEPTOR APPROVAL**

The Board reviewed the preceptors presented at today's meeting. They were Michael Schleicher, Jeffrey Mackey, Shayne Bauer, Kent Albrecht, Scott Bauth and Brent McNabb. The Board took the following action.

**MOTION:** Susan Feith moved, seconded by James Weber, to approve all preceptors presented before the Board on 07/08/04. Motion carried unanimously.

### **PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA**

None.

### **LETTER TO SENATOR ROESSLER FROM WENDY HENRICHS**

The Board reviewed the letter send by Board member, Wendy Henrichs, to share her personal opinions and concerns to Senator Roessler . The Board clarified at today's meeting that Ms. Henrich's letter was not a representation of the Board's opinions or stance on the issues identified in this correspondence. The Board did express to Ms. Henrichs that some of the statements in the letter were not accurate. The Board encourages members to engage in healthy discussions of issues and welcomes opinions and input from all board members and asks that members be precise in sharing information that reflects on the Board. If any board member has a question regarding their ethical responsibilities as a member of the examining Board they should feel free to contact the Ethics Board. The Board recommends this organization to be utilized as a resource.



## **RESPONSES FROM LETTERS SENT TO WCA AND TO SCHOOLS REGARDING WEB-BASED CONTINUING EDUCATION OPTIONS**

At the last meeting, the Board requested Jacquelynn Rothstein, Legal Counsel, to send a letter to schools and providers requesting information regarding what web-based courses they are offering. It was shared at today's meeting by Attorney Rothstein and Kimberly Nania, Bureau Director, that this information is dripping in to them. There are some who are teaching cold-lasers but a final tally of this information should be completed by the next meeting and will be included in the next agenda packet. The Board also requested at the last meeting that Attorney Rothstein send a letter to WCA informing them that the Board is thinking of developing a rule regarding web-based training. The Board would like to include WCA in this process, as they are a major continuing education provider. Steven Conway did not participate in today's discussion.

## **RESPONSES FROM LETTERS SENT TO WESTERN STATES CHIROPRACTIC COLLEGE REGARDING INTERNET-BASED CE PROGRAMS**

The Board reviewed the response received by Western States Chiropractic College regarding internet-based continuing education programs at today's meeting.

## **UPDATE ON GRANTING DIPLOMATE STATUS**

The Board postponed this topic to be placed on the next agenda. Steven Conway will provide information at the next Board meeting.

## **FOLLOW UP REGARDING CPT CODES 93923 AND 93875**

Steven Conway looked up the CPT Codes 93923 and 93875 and shared this information with the Board at today's meeting. The Board requested that Kimberly Nania send a letter to a couple colleges to see if these procedures are being taught. Dr. Nania will provide an update to the Board regarding responses she receives from suggested colleges.

## **PROCEDURES FOR APPROVING CE'S AT LOGAN COLLEGE**

James Weber shared with the Board the course agenda and topics of this Logan College course. Dr. Weber has reviewed the college's application and they were originally approved as meeting the requirements. There was a concern regarding course content and whether they were teaching cold-laser. The Board clarified that Logan College can designate the course to any other college/organization to do the course, but that Logan College would be held accountable since they are the Board approved sponsor and to send a letter notifying them of this.



**CORRESPONDENCE FROM LAURA J. FENANDER REGARDING REQUEST FOR  
WAIVER OF X-RAY TRAINING**

The Board reviewed the letter from Laura J. Fenander requesting a waiver from x-ray training and took the following action.

**MOTION:** James Weber moved, seconded by Wendy Henrichs, to deny the request to wave the x-ray requirement for Laura J. Fenander. Reason for Denial: The Board does not have the authority. Motion carried unanimously.

**CORRESPONDENCE FROM RUSSELL A. LEONARD, WCA EXECUTIVE  
DIRECTOR REGARDING AN ADVERTISEMENT FOR DYNAMIC  
CHIROPRACTIC**

The Board reviewed the information sent by Russell Leonard, WCA regarding the Dynamic Chiropractic advertisement at today's meeting.

**UPDATE ON DENVER MEETING BY STEVEN CONWAY**

Steven Conway reported to the Board on events and activities from the Denver meeting he attended. Licensing Boards notified the federation on their continuing education concerns. The Chairman from PACE spoke regarding a national CE list. Dr. Conway recommended to the Board that the PACE Chairman (from Tennessee) be invited to a future meeting to present information on this topic. There was a good presentation on fraud, which was a short course on what to look out for, and he recommended to the Board to look at this topic as a possible CE requirement. There was a philosophy course and Dr. Conway recommended that the Board obtain a copy of the PowerPoint presentation by contacting Dr. Reed Phillips. Oklahoma statutes are a good model for Wisconsin to look at and have language regarding veterinary chiropractic if the Board wishes to pursue this issue. Dr. Conway shared with the Board that it is very important to have someone attend these conferences because there are so many issues on the forefront.

**CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL**

Jacquelynn Rothstein, Legal Counsel, will respond on behalf of the board regarding all correspondence and phone inquiries as indicated by the Board at today's meeting. Kimberly Nania will send a letter to all schools regarding the approval of CA courses.

**CONSULT WITH LEGAL COUNSEL**

The Board consulted with Jacquelynn Rothstein, Legal Counsel as needed through out the meeting.



## **INFORMATIONAL ITEMS**

Noted.

## **VISITOR COMMENTS**

None.

## **CLOSED SESSION**

**MOTION:** Steven Conway moved, seconded by Wendy Henrichs, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Wendy Henrichs-yes; James Rosemeyer-yes; and James Weber-yes.

Open Session recessed at 10:10 a.m.

## **RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

**MOTION:** James Weber moved, seconded by Steven Conway, to reconvene into Open Session at 11:23 p.m. Motion carried unanimously.

## **VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

### **WCA LAWSUIT UPDATE AND FOLLOW UP WITH LEGAL COUNSEL**

In closed session, the Board discussed the final settlement of the WCA lawsuit.

## **MONITORING**

### **REVIEW OF DOCUMENTS RICHARD HORAITIS, D.C.**

Materials regarding Richard Horaitis, D.C. have been reviewed by the Board at today's meeting and Mr. Horaitis is now compliant.



## **APPEARANCES BEFORE THE BOARD REGARDING APPLICATION REVIEW**

### **RANDALL W. NODORFT, D.C.**

**MOTION:** Steven Conway moved, and seconded by Wendy Henrichs, to grant licensure to Randall W. Nodorft. Motion carried unanimously.

## **APPLICATION REVIEWS**

### **TAMARA A. WOLLER-LI, D.C.**

**MOTION:** Wendy Henrichs moved, and seconded by James Weber, to request Julie Reimann, Credentialing, to contact Tamara A. Woller-Li, D.C. and inform her of options regarding her application that she can wait until October to reapply to meet the five year endorsement criteria or to reapply under Part IV. Motion carried unanimously.

### **CHARLES W. CHAPPLE, D.C.**

**MOTION:** James Weber moved, and seconded by Wendy Henrichs, to approve the reinstatement of licensure regarding Charles W. Chapple, D.C. once he provides a current CPR course certification and to require him to take the Wisconsin Jurisprudence examination. Motion carried unanimously.

## **STIPULATIONS**

### **CHRISTIAN ZEBRASKY, D.C.**

**MOTION:** Steven Conway moved, and seconded by Wendy Henrichs, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Christian Zebrasky, D.C. Motion carried unanimously.

## **DIVISION OF ENFORCEMENT – CASE STATUS REPORT**

**MOTION:** Steven Conway moved, seconded by James Weber, to close case **04 CHI 009** for compliance gained. Motion carried unanimously.

**MOTION:** Wendy Hendrichs moved, seconded by Steven Conway, to close case **03 CHI 049** for no violation. Motion carried unanimously.

## **OTHER BOARD BUSINESS**

None.



## ADJOURNMENT

**MOTION:** Susan Feith moved, seconded by Wendy Henrichs, to adjourn the meeting at 11:26 p.m. Motion carried unanimously.

**Next Meeting:**

*September 9, 2004*